together are shown in detail in Figs. 2-4. Further, Fig. 5 of Spivey shows the stylus holder mechanism in detail. The stylus holder mechanism is depicted as being void of any damping element. Nonetheless, the Office Action fails to take into account such an absence of the damping element in the mechanism.

Further, paragraph 2 of the Office Action states that the Spivey shows a probe body indicated by reference numerals 14 and 68. However, the other elements of Spivey cited by the Office Action relate to a clamping mechanism for connecting the probe body to a shank and do not disclose anything relating to how a stylus holder is retained within the probe body. Thus, the rejection of independent claim 1 is improper based on at least the following discussion.

The Office Action states that Spivey discloses a "touch probe (6,8)." However, the items referenced by 6 and 8 in Fig. 1 of Spivey are clearly identified therein as being a "stylus 6 which terminates in a spherical measuring tip 8;" see col. 2, lines 35-36. Applicants thus fail to see how such a stylus 6 could be termed a "touch probe" that comprises the various presently claimed features of claim 1 (i.e., the probe body, stylus holder, bias and damping element). The stylus 6 and its tip 8 are held by the stylus holder of the touch probe and would never be termed a touch probe by a person skilled in the art.

Further, the Office Action states the Spivey could be said to include a "probe body (14, 68)." The Office Action also states that the probe body houses "first locating elements (34, 38, 48, 50, 52)." The referenced elements 34, 38, 48, 50 and 52 of Spivey are all parts of the clamping mechanism that is used to attach the probe to the shank. The clamping mechanism provided as part of the touch probe includes clamping element 34 that comprises a ball bearing 38. The corresponding part of the clamping mechanism provided on the shank includes a threaded bore 48, in which a clamping bolt 50 having an outwardly projecting surface 52 is located. This is described from line 47 of column 1 to line 22 of column 3.

Thus, it is clear that the items labeled as 48, 50 and 52 in Spivey are not even parts of the touch probe (i.e., they are parts of the shank). Although the clamping element 34 and ball bearing 38 do form part of the touch probe, they do not (as described below) meet the presently claimed features of claim 1 directed to co-operating with second locating elements to locate the stylus holder (i.e., something that holds a stylus) within the probe body.

The Office Action also states that Spivey shows a "stylus holder 10". However, col. 2, lines 34 of Spivey clearly defines reference 10 as a "touch probe 10." As described above, the interpretation that the stylus 6 could comprise the touch probe 10 is incongruent. Furthermore, the touch probe 10 is defined as including the aforementioned body 14. For example, lines 38-39 of column 2 of Spivey state "[t]he probe 10 has a cylindrical housing 14 ..." In view of the Office Action's interpretation of Spivey, Applicants respectfully disagree with the assertion that a touch probe 10, being defined as including a probe body 14, could be located within that probe body 14 as would be necessary to meet the presently claimed features of claim 1. Applicants note that Spivey does disclose a probe having a stylus holder; the stylus holder of Spivey is termed the "stylus carrier" and is described in detail from line 12 of column 6. However, Applicants fail to see how any element of Spivey other than the stylus carrier could be interpreted to be a "stylus holder," as disclosed in claim 1 of the presently claimed invention.

Further, the Office Action states that the stylus holder 10 comprises "second locating elements (28,30)." The elements 28 and 30 of the Spivey device are also parts of the clamping mechanism that is used to attach the touch probe to the shank. In particular, shaft 28 is a part of the touch probe that is inserted into cylindrical bore 30 of the shank; see lines 52-53 of column 2 of Spivey. Therefore, it can be seen that bore 30 is not even part of the touch probe 10, let alone part of a stylus holder of such a probe. Furthermore, shaft 28 is

clearly not part of any stylus holder. It can be seen that items 34, 38, 48, 50 and 52 do not co-operate with elements 28 and 30 to locate a stylus holder within a probe body.

Further still, the Office Action asserts that Spivey discloses a "bias 34" which urges the first locating elements (34, 38, 48, 50 and 52) into contact within the second locating elements (28, 30). Firstly, it is noted that the so-called "bias 34" of the Spivey device is the clamping element 34 which the Office Action indicates is a first locating element. Secondly, it is again noted that the clamping element 34 is simply part of the mechanism that allows the touch probe to be clamped to the shank; items 34, 38, 48, 50, 52, 28 and 30 also form part of that same mechanism. Applicants thus fail to see how items 34, 38, 48, 50 and 52 are all urged into contact with items 28 and 30 by a clamping element 34; the referenced parts of the mechanism co-operate to provide a clamping mechanism to clamp the probe to the shank but are provided on various different parts of the shank and probe.

The Office Action also states that a "damping element (94, 96, 97)" is provided to damp motion between the probe body and stylus holder. It is noted that the supporting ring 94, belville washer 96 and groove 97 relate to a second embodiment of the Spivey shank-probe clamp whereas the other elements referred to by the Office Action relate to a first embodiment of the Spivey shank-probe clamp. In any event, the ring 94, washer 96 and groove 97 of Spivey are all components of the so-called spring mechanism 92. This mechanism 92 damps vibrations between the shank and the probe body as described at lines 3-4 of column 4 of Spivey. This fact appears to be acknowledged by the present Office Action. Indeed, lines 2-3 of page 7 of the Office Action state "[t]he Spivey reference explicitly describes a damping mechanism (see Column 4, lines 3-9), including a spring (92) in order to damp any vibration between the shank and probe body" (emphasis added). Spivey thus clearly fails to disclose a damping element to damp motion between the probe body and the stylus holder.

In summary, it appears that the Office Action interprets Spivey in an unclear and inconsistent manner that would not be adopted by a person of ordinary skill in the art. Applicants respectfully submit that Spivey fails to disclose a damping element of the type recited in claim 1 of the presently claimed invention. Further, Spivey fails to suggest or disclose the various advantages (i.e., the reduction in wear and tear and the enhanced resistance to damage from unexpected mechanical shocks) that arise from the inclusion of the type of damping element recited in claim 1 of the presently claimed invention.

Thus, Applicants respectfully submit that claim 1 is novel and non-obvious over Spivey, and as such, independent claim 1 is patentable. Further, dependent claims 2-5, 7 and 13 are patentable for at least the reasons as claim 1, as well as for the additional features they recite.

Accordingly, withdrawal of the rejection is respectfully requested.

## II. Claim Rejections under 35 U.S.C. § 103

The Office Action rejects claims 8-12 under 35 U.S.C. § 103(a) over Spivey. These rejections are respectfully traversed.

Pursuant to the discussion above, Spivey fails to teach, suggest or disclose the presently claimed features of independent claim 1. Thus, claim 1 is patentable. Further, dependent claims 8-12 are patentable for at least the reasons as claim 1, as well as for the additional features they recite.

Accordingly, withdrawal of the rejections is respectfully requested.

## III. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,

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